

## JOINT ELECTED OFFICIALS MEETING

April 19, 2005

5:30 p.m. (Commissioners' Conference Room)

City Councilor John Woodrow called the meeting of the City Council of Springfield to order. Present: Anne Ballew, Joe Pishioneri, and Dave Ralston. Sid Leiken and Tammy Fitch were excused.

City Councilor George Polling called the meeting of the Eugene City Council to order. Present: Bonnie Bettman, George Poling, Andrea Ortiz, Chris Pryor, Gary Pape, David Kelly and Betty Taylor

Commissioner Anna Morrison called the meeting of the Lane County Board of Commissioners to order. Present: Bill Dwyer, Bobby Green, Faye Stewart and Recording Secretary Melissa Zimmer.

1. SECOND READING AND PUBLIC HEARING/Ordinance No. PA 1221/In the Matter of Amending the Eugene-Springfield Metropolitan Area General Plan (Metro Plan) to Clarify and Provide Greater Flexibility for Public Safety Service Delivery in the Eugene-Springfield Metropolitan Area (Metro Plan, Growth Management, Policy 15) (NBA & PM 4/5/05).

Kent Howe, Land Management, explained the purpose of the proposed plan amendment is to clarify the formation of a Public Safety District that would be consistent with Metro Plan policies. He noted there are no policies in the Rural Comprehensive Plan or other small city plans that addresses special district formation. He said it was only the Eugene Springfield Metro Plan that has policies that address district formation. He indicated at the time the Metro Plan was developed, it didn't contemplate the need for special service districts that would be providing public safety services nor did the Metro Plan contemplate the financial constraints that would be placed on local government.

Howe noted the Metro Plan has policies that specifically limit the formation of special service districts regardless of the nature of the services provided. He added the Metro Plan contemplates special districts for urban services and growth management. He indicated that Policy 15 appropriately limits their formation and links them to future annexation requirements in order for cities to measure growth-reducing services. He explained the services are limited to and consistent with benefits in reaction to public safety services to provide context for determining services that would be consistent. He noted the proposed amendment does not weaken the position of Eugene and Springfield or their ability to annex land or to control the proliferation of other growth inducing special districts. He said there were two criteria that were applicable to the authorization of the Metro Plan amendment: that the amendment is consistent with the statewide planning goals, or that the amendment would not create an inconsistency in the Metro Plan.

Howe indicated on February 1 there was a joint public hearing with the Planning Commissions. He added all three Planning Commissions deliberated separately and recommended approval of the proposed amendment, that it met the land use criteria for approval of the Metro Plan. He said they identified concerns that were centered on three general areas of the proposal: the “notwithstanding” exception language that is in the proposed policy; the single countywide district and the list of services that has “including but not limited to.” He noted in the supplemental packet dated April 19, staff had proposed four Metro Plan amendment proposals. He added the alternatives addressed some of the concerns that the Eugene and Springfield Planning Commissions had with the language. He said there was a recommendation from the Eugene Planning Commission that there be a single countywide district. He added the recommendation from Springfield was that in case there was a city that was not within the district, so there wouldn’t be a potential Metro Plan conflict in the future; make it a single district within the County.

Howe said the second alternative was to delete the “but not limited to” language so it would read that those services are included. He noted the third alternative was instead of using the word “including,” to use the words “such as.” He noted the fourth alternative stated that “shall be” be changed to “limited to.”

Howe explained that tonight’s meeting and public hearing is to take testimony to improve the policy amendment language that Lane County is proposing for the purpose of providing a better financial situation for public safety in Lane County. He indicated the elected officials had in their packets materials provided to the Planning Commissions at the February 1 public hearings, the staff responses to questions that they raised at the public hearing, the minutes of the public hearing and the draft minutes of the three Planning Commissions’ deliberations.

Howe indicated the main premise is for land use. He said it is a Metro Plan policy that is being proposed to be amended and the two criteria to be focused on is if the land use amendment is consistent with the statewide planning goals and if it would create an internal inconsistency in the Metro Plan. He noted if the elected officials find that those two are met, then the policy is worthy of being amended in the Metro Plan.

Bettman commented that the need for the County is financial but the decision in the Metro Plan is land use. She said it didn’t make sense to her.

Howe responded there are criteria in the Metro Plan for amending it. He said the need is something they will have to determine. He explained this was unique as the services of the district are not really metro growth inducing services. He added that the policy of the Metro Plan addresses that. He indicated the County was being cautious in making the Metro Plan amendment because they don’t want someone to say that it is inconsistent with the Metro Plan.

Bettman asked what the boundary of the safety service district would be.

Howe explained it was all of Lane County. He noted there will be negotiations with each city. He said if it ends up a city doesn't agree, it would create a hole in Lane County.

Bettman commented if they were inconsistent with the Metro Plan they wouldn't have to include language rendering all of the policies of the amendment. She said when they say it is notwithstanding the above provisions of this policy and all other related policies and texts of this plan that it makes a, b, c, d, and e of Policy 15 neutralized. She added it also neutralizes many of the other Metro Plan policies. She thought that made it a glaring inconsistency with the Metro Plan.

Howe explained this would be an exception to the other policies as it would be a creation of a new special service district.

Bettman indicated that earlier they made the point the services they are going to provide are specific services that are not urban services and not provided by cities.

Jennifer Solomon, Peter Sorenson arrived at 6:10 p.m.

Bettman asked how much the district would displace of the \$35 million and how much would be coming to the revenue stream with the substitute part of the \$35 million.

Bill Van Vactor, County Administrator, responded the specific details have not been worked out. He indicated they had to first work with the Metro Plan amendment then they will work on the resolution of support by the 12 cities of Lane County. He said at that point they would discuss what the balance of services should be and work those issues out.

Kitty Piercy arrived at 6:15 p.m.

Kelly commented that on the Metro Plan criteria the amendment shouldn't make the Metro Plan internally inconsistent. He asked if it mattered legally what the definition of who provides the services is. He wanted legal feedback. He added that the Metro Plan talks about who the logical provider of various services is. He didn't think the distinction was made that just because they provide money for a service, they are not necessarily a provider. He wanted to know if there was any case law. He was dismayed that in the packet there was no description of what the tax rate could be, what services it would provide, or what services that the cities now provide would go away because of compression. He said it made him uncomfortable to have the discussion without any documentation.

Bill Grile, Development Service Director, City of Springfield, indicated the Springfield Planning Commission took this up and passed it by unanimous recommendation to move it forward. He noted the Planning Commission stated this was primarily a budget issue for the elected officials to deal with. He said there was a recommendation to the Springfield City Council that the language would state there would be a single service district within the County.

Kurt Yeiter, City of Eugene, noted the City of Eugene Planning Commission had similar concerns as the Springfield Planning Commission. He said they noted the Metro Plan policies were written at a simpler time and it reflects services the County is currently providing. He said they thought an amendment to the Metro Plan made sense.

Christine Lundberg arrived at 6:20 p.m.

Yeiter indicated that the Eugene Planning Commission was the first to deliberate on the proposed amendment. He said they weren't able to wordsmith adequately. He said the concern was to constrain the special districts so that other services that wouldn't be provided by statute are not pulled in under a broad language. He noted the closest to that was Option 4. He stated the Eugene Planning Commission discussed the public safety district as too broad a term.

Bettman asked if it would cost more for rural services than for urban services and if the Planning Commissions discussed this.

Yeiter responded they didn't address any financial issues. He said they considered growth inducing impacts and wordsmithing.

Bettman asked if they were comparing services with what the statute stated.

Yeiter indicated they discussed what was required by state statute and the list might have been too constrained for what could be allowed with the exception. He said there are current services that are provided that are not required that are logically provided by state statute.

Bettman asked if this language was internally consistent. She stated she would submit questions and wanted responses back.

Alex Gardner, Deputy District Attorney, commented that this was a rational process. He indicated if there was a better alternative he was willing to hear those ideas. He noted that service in Lane County is cost effective. He urged the elected officials to do an analysis of what it takes to prosecute each case. He added they are failing to prosecute over 100 cases per month and 60% to 70% of those cases come from the Eugene/Springfield area.

Kelly agreed there needed to be improved public safety. He suggested doing it in a way that doesn't require a change in the fundamental structure of government. He thought there could be a serial levy, or an income or sales tax that wouldn't change the Metro Plan amendment.

Bettman asked how the voting would take place. She asked if elected officials had to opt in and if they were included in the vote.

Van Vactor responded that if the city council adopts the resolution it is part of the application and the Boundary Commission authorizes the ballot. He added if a city council does not vote for it, that jurisdiction does not participate in the vote.

Bettman commented in the past that when the County had a bond measure the commissioners were not campaigning for it. She thought if they supported their own ballot measure it would pass. She said they need to establish credibility with the voters and work hard.

Dwyer explained that the County has grown over 25% with the same amount of revenue that they are trying to manage with. He said they are trying to provide the same current level of services. He added the County receives \$1.27 per thousand, including bonding. He stated the Coburg Fire Department receives more per thousand than Lane County. He said they still have to provide public safety, the District Attorney's office, the jail, the Department of Health and Assessment and Taxation. He commented that the system is currently broken and it is not acceptable. He recalled that the Metro Plan was put together with the three major metropolitan areas so they don't have competing districts to compete with what the cities are going to provide. He said they have to consider the mechanism question on whether they should form this district.

Green commented that a sales tax would never pass in Oregon. He noted Lane County's public service budget is around \$38 million just for public safety. He added the discretionary general fund is \$50 million and 75% goes to public safety. He said they would be willing to give the services back to the cities to see how well they could do. He said the challenge is whether or not they could afford. He said they are trying to get to a solution.

Bettman wondered if Lane County looked at priorities and if they are providing just the services that are mandated. She commented she sees Lane County spending money that is frivolous. She asked if the County was still mandated by statute to provide public safety services.

Van Vactor responded that crimes will be committed and to the extent they have the resources they will prosecute and incarcerate them.

Bettman commented that services are more expensive in the rural areas and there would be non-conformity in the cities.

Pryor stated this problem was not just the County's problem. He said it is everyone's problem. He said they have a jail that can't accommodate all of the criminals they do have. He said the dilemma for him is not an issue of being opposed to the idea; he said it is a matter of being skeptical about the idea. He said the County is asking cities to consider making a fundamental change in the core services the cities provide in the first place, which is public safety. He said the County is asking the city governments to look at making a fundamental change in what has been for years their core function. He wanted to make sure every option was considered before they continue to go forward.

Dwyer said Lane County is mandated to prosecute all the crimes in Lane County including cities' crimes even if they were to option out. He asked what other ideas they could come up with.

Lisa Smith, Department of Youth Services, stated that the Department of Youth Services serves the entire community and they are the authorized provider of the services. She said they have had significant reductions in services and they lost the psychiatric hospital. She noted they have no sobering programs for youth in the community. She added the drug court is in peril and there are changes and reductions to the Oregon Health Plan. She stated their current prevention program, (the best in the system) has been cut. She noted that for Youth Services this year they will have \$1 million in reductions because of federal grant conclusions. She added in the last biennium they had a 50% reduction in secure custody beds and some of those were from the state. She stated that 250 beds were lost. She indicated when she came on board four years ago the cap was 75 and today it is 31. She explained that it wasn't because there wasn't a need, it is because the state had a financial crisis. She said they lost half their Pathways residents and all of their girl shelter programs. She commented that everything is interrelated when there are cuts.

Kelly commented that what is making this challenging is the intermixing of two different things. He said it would be up to the voters to decide what they are willing to pay for services. He added it was up to the elected officials to decide collectively what mechanism they would use to pay for the service district. He said they have to determine what is the best mechanism to collect the money.

Bettman stated she supported all the services they were discussing a land use issue to the Metro Plan and any other testimony is irrelevant to the criteria. She added the public hearing should be limited to the Metro Plan. She didn't know what other comp plans there were for other jurisdictions. She asked why Lane County hadn't gone out and gotten the approval of the cities so they could come to Eugene and Springfield. She said that would eliminate the inequity in Florence and other cities. She asked why they were working on the Metro Plan amendment first.

Morrison indicated they had been talking to cities. She said there are multi-tracks because of timing. She indicated there is discussion with the Regional Managers Meeting and the outreach had started to other city councils.

Morrison recessed the meeting for the Lane County Board of Commissioners at 6:45 p.m.

Piercy recessed the meeting for the Eugene City Council at 6:45 p.m.

Woodrow recessed the meeting for the Springfield City Council at 6:45 p.m.

Melissa Zimmer  
Recording Secretary

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Sidney W. Leiken  
Mayor

Attest:

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City Recorder